

EXHIBIT G

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16 Attorneys for Defendant United Air Lines, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 All Nippon Airways Company, Ltd.,

Case No 07-03422

20 Plaintiff,

**DEFENDANT UNITED AIR LINES, INC.'S
RESPONSE TO SECOND AMENDED
NOTICE OF DEPOSITION OF JOHN
REDIGER**

21 vs.

22 United Air Lines, Inc.,

JUDGE: Elizabeth D. Laporte

23 Defendant.

24 Defendant United Air Lines, Inc., by and through its attorneys of record, Jaffe Raitt Heuer &
25 Weiss, P.C., respond to Plaintiff All Nippon Airways Company, Ltd.'s Second Amended Notice of
26 Deposition of John Rediger as follows:

27 1. The entire contents of the deponent's file concerning the subject accident which
28 took place on October 7, 2003 at San Francisco International Airport.

RESPONSE

Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and

1 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
2 To the extent this document request seeks documents contained in personnel files, it is objectionable
3 because it seeks private information protected under California law, which cannot be produced
4 without permission of the individual(s) whose files are being requested. Subject to, and without
5 waiving, these objections, United has produced the non-personal/non-medical portions of John
6 Rediger's personnel file as confidential bates range documents UAL 000119 - UAL 000215.

7
8 2. Any and all DOCUMENTS regarding the subject flight and accident and the
9 investigation thereof.

10 **RESPONSE**

11 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
12 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
13 This request is also objectionable to the extent that it seeks information protected by the "self-
14 critical analysis" privilege. *See Dowling v. American Hawaii Cruises, Inc.*, 971 F.2d 424, 425 (9th
15 Cir. 1992). Subject to, and without waiving, these objections, responsive documents have been
16 produced to Plaintiff as Rule 26(a)(1) Disclosure bates numbers UAL 1-725.

17
18 3. The deponent's personnel records, including but not limited to DOCUMENTS
19 pertaining to any accident or incident involving the deponent and any disciplinary action against the
20 deponent.

21 **RESPONSE**

22 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
23 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
24 To the extent this document request seeks documents contained in personnel files, it is objectionable
25 because it seeks private information protected under California law, which cannot be produced
26 without permission of the individual(s) whose files are being requested. Subject to, and without
27 waiving, these objections, United has produced the non-personal/non-medical portions of John
28

1 Rediger's personnel file as confidential bates range documents UAL 000119 - UAL 000215.

2
3 4. The deponent's licenses, certificates, and other DOCUMENTS related to the
4 deponent's operation of aircraft or aircraft components.

5 **RESPONSE**

6 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
7 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
8 To the extent this document request seeks documents contained in personnel files, it is objectionable
9 because it seeks private information protected under California law, which cannot be produced
10 without permission of the individual(s) whose files are being requested. Subject to, and without
11 waiving, these objections, United has produced the non-personal/non-medical portions of John
12 Rediger's personnel file as confidential bates range documents UAL 000119 - UAL 000215.

13
14 5. The deponent's training materials and records, including but not limited to
15 DOCUMENTS concerning (i) clearing potential conflicts with other aircraft prior to or during taxi;
16 (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
17 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

18 **RESPONSE**

19 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
20 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
21 To the extent this document request seeks documents contained in personnel files, it is objectionable
22 because it seeks private information protected under California law, which cannot be produced
23 without permission of the individual(s) whose files are being requested. Subject to, and without
24 waiving, these objections, United has produced the non-personal/non-medical portions of John
25 Rediger's personnel file as confidential bates range documents UAL 000119 - UAL 000215.

26
27 6. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations
28

1 in effect on October 7, 2003 concerning (i) clearing potential conflicts with other aircraft prior to or
 2 during taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii)
 3 conflict resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

4 **RESPONSE**

5 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 6 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 7 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 8 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 9 Plaintiff.

10 7. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations
 11 currently in effect concerning (i) clearing potential conflicts with other aircraft prior to or during
 12 taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
 13 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

14 **RESPONSE**

15 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 16 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 17 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 18 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 19 Plaintiff.

20
 21 8. A complete copy of the UAL operations manual in effect on October 7, 2003 and
 22 applicable to the UAL aircraft involved in the collision between ANA Flight NH007 and UAL
 23 Flight UA809 at San Francisco International Airport ("SFO") on October 7, 2003 (the "Accident").

24 **RESPONSE**

25 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 26 objections, United will produce a copy of the flight operations manual to Plaintiff.

27 9. A complete copy of the current UAL operations manual applicable to its B777
 28

1 aircraft at the present time

2 **RESPONSE**

3 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
4 objections, United will produce a copy of the flight operations manual to Plaintiff.

5
6 10. Any and all DOCUMENTS which UAL and/or its flight crew was required to have
7 on board Flight UA809 at the time of the Accident.

8 **RESPONSE**

9 Objection: Vague, overly broad and unduly burdensome. Subject to, and without waiving,
10 these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL
11 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL
12 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations
13 manual to Plaintiff.

14 11. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
15 aircraft into and out of SFO in effect at the time of the Accident.

16 **RESPONSE**

17 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
18 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
19 UAL 000371.

20 12. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
21 aircraft into and out of SFO in effect at the present time.

22 **RESPONSE**

23 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
24 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
25 UAL 000371.

26 13. Any and all DOCUMENTS reflecting the requested and/or assigned routing for
27 Flight UA809 on October 7, 2003.

1 **RESPONSE**

2 Objection: Vague, overly broad, compound, and unduly burdensome.

3 Subject to, and without waiving, these objections, United has not located any documents
4 responsive to this Request.

5 14. A complete copy of all Jeppesen charts applicable to ground operations of UAL
6 B777 aircraft at SFO in effect at the time of the Accident.

7 **RESPONSE**

8 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

9 Subject to, and without waiving, these objections, United states that these documents are
10 covered under Copyright protection as stated in the United Airlines Flight Manual.

11 15. A complete copy of all Jeppesen charts applicable to ground operations of UAL B777
12 aircraft at SFO in effect at present.

13 **RESPONSE**

14 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

15 Subject to, and without waiving, these objections, United states that these documents are
16 covered under Copyright protection as stated in the United Airlines Flight Manual.

17 16. A complete copy of all charts applicable to ground operations of Flight UA809 at
18 SFO in effect at the time of the Accident.

19 **RESPONSE**

20 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

21 Subject to, and without waiving, these objections, United has not located any documents
22 responsive to this Request.

23 17. Any and all DOCUMENTS reflecting dispatch for Flight UA809 on October 7, 2003,
24 including but not limited to (i) flight plan; and (ii) assigned altitude.

25 **RESPONSE**

26 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

1 Subject to, and without waiving, these objections, United has not located any documents
2 responsive to this Request.

3 18. Any and all DOCUMENTS reflecting procedures used during the pushback operation
4 of Flight UA809 on October 7, 2003.

5 **RESPONSE**

6 Objection: Vague, overly broad, unduly burdensome, compound, and duplicative of prior
7 document requests. Additionally, this document request potentially seeks materials privileged under
8 the attorney-client privilege and/or work-product doctrine. This request is also objectionable to the
9 extent that it seeks information protected by the "self-critical analysis" privilege. *See Dowling v.*
10 *American Hawaii Cruises, Inc.*, 971 F.2d 423, 425-26 (9th Cir. 1992). Subject to, and without
11 waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers
12 UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers
13 UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight
14 operations manual to Plaintiff.

15 19. Any and all DOCUMENTS reflecting changes in procedures used during pushback
16 operations of UAL B777 aircraft after October 7, 2003.

17 **RESPONSE**

18 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

19 Subject to, and without waiving, these objections, United has not located any documents
20 responsive to this Request
21
22
23
24
25
26
27
28

1 DATED: January 16, 2008

IAFFE, RAITT, HEUER & WEISS, P C.

2
3 By: Scott Torpey/PW

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7 Southfield, MI 48034
8 Telephone: 248-351-3000
9 Fax: 248-351-3082

Attorneys for Defendant United Air Lines, Inc.

10 **CERTIFICATE OF SERVICE**

11 Phyllis L. Nelson certifies that she is an employee of Jaffe, Raitt, Heuer & Weiss, P C
12 and that on January 16, 2008 she caused to be served Defendant United Airlines, Inc's Response
13 to Second Amended Notice of Deposition of John Rediger on the person(s) listed below by
14 placing said document(s) in a sealed envelope (if applicable), properly addressed, and
15 forwarding same by the method(s) indicated.

16 ***By Email and First Class Mail***

17 Marshall S. Turner
18 Condon & Forsyth LLP
19 7 Times Square
20 New York, NY 10036

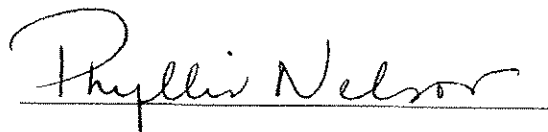
By Email and First Class Mail

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21 ***By Email and First Class Mail***

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23 Roderick D. Margo
24 Scott D. Cunningham
25 Condon & Forsyth LLP
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27 Los Angeles, CA 90067-6010

28 Dated: January 16, 2008



Phyllis L. Nelson

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14 Telephone: (714) 285-9600
15 Fax: (714) 285-9700

16 Attorneys for Defendant United Air Lines, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 All Nippon Airways Company, Ltd.,

Case No.07-03422

20 Plaintiff,

**DEFENDANT UNITED AIR LINES, INC.'S
RESPONSE TO SECOND AMENDED
NOTICE OF DEPOSITION OF BRAD
POWELL**

21 vs

22 United Air Lines, Inc.,

JUDGE: Elizabeth D Laporte

23 Defendant.

24 Defendant United Air Lines, Inc., by and through its attorneys of record, Jaffe Raitt Heuer &
25 Weiss, P.C., respond to Plaintiff All Nippon Airways Company, Ltd.'s Second Amended Notice of
26 Deposition of Brad Powell as follows:

27 1. The entire contents of the deponent's file concerning the subject accident which
28 took place on October 7, 2003 at San Francisco International Airport.

RESPONSE

Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and

1 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
 2 To the extent this document request seeks documents contained in personnel files, it is objectionable
 3 because it seeks private information protected under California law, which cannot be produced
 4 without permission of the individual(s) whose files are being requested. Subject to, and without
 5 waiving, these objections, United has produced the non-personal/non-medical portions of Brad
 6 Powell's personnel file as confidential bates range documents UAL 000216 - UAL 000302.

7
 8 2. Any and all DOCUMENTS regarding the subject flight and accident and the
 9 investigation thereof.

10 **RESPONSE**

11 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
 12 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
 13 This request is also objectionable to the extent that it seeks information protected by the "self-
 14 critical analysis" privilege. *See Dowling v. American Hawaii Cruises, Inc.*, 971 F.2d 424, 425 (9th
 15 Cir. 1992). Subject to, and without waiving, these objections, responsive documents have been
 16 produced to Plaintiff as Rule 26(a)(1) Disclosure bates numbers UAL 1-725.

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 18 3 The deponent's personnel records, including but not limited to DOCUMENTS
 19 pertaining to any accident or incident involving the deponent and any disciplinary action against the
 20 deponent

21 **RESPONSE**

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 23 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
 24 To the extent this document request seeks documents contained in personnel files, it is objectionable
 25 because it seeks private information protected under California law, which cannot be produced
 26 without permission of the individual(s) whose files are being requested. Subject to, and without
 27 waiving, these objections, United has produced the non-personal/non-medical portions of Brad
 28

1 Powell's personnel file as confidential bates range documents UAL 000216 - UAL 000302.

2 4. The deponent's licenses, certificates, and other DOCUMENTS related to the
3 deponent's operation of aircraft or aircraft components.

4 **RESPONSE**

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6 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
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10 waiving, these objections, United has produced the non-personal/non-medical portions of Brad
11 Powell's personnel file as confidential bates range documents UAL 000216 - UAL 000302.
12

13 5. The deponent's training materials and records, including but not limited to
14 DOCUMENTS concerning (i) clearing potential conflicts with other aircraft prior to or during taxi;
15 (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
16 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

17 **RESPONSE**

18 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
19 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
20 To the extent this document request seeks documents contained in personnel files, it is objectionable
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22 without permission of the individual(s) whose files are being requested. Subject to, and without
23 waiving, these objections, United has produced the non-personal/non-medical portions of Brad
24 Powell's personnel file as confidential bates range documents UAL 000216 - UAL 000302.
25

26
27 6 Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations
28 in effect on October 7, 2003 concerning (i) clearing potential conflicts with other aircraft prior to or

1 during taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii)
 2 conflict resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

3 **RESPONSE**

4 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 5 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 6 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 7 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 8 Plaintiff

9 7. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations
 10 currently in effect concerning (i) clearing potential conflicts with other aircraft prior to or during
 11 taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
 12 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

13 **RESPONSE**

14 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 15 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 16 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 17 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 18 Plaintiff.

19
 20 8. A complete copy of the UAL operations manual in effect on October 7, 2003 and
 21 applicable to the UAL aircraft involved in the collision between ANA Flight NH007 and UAL
 22 Flight UA809 at San Francisco International Airport ("SFO") on October 7, 2003 (the "Accident").

23 **RESPONSE**

24 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 25 objections, United will produce a copy of the flight operations manual to Plaintiff.

26 9. A complete copy of the current UAL operations manual applicable to its B777
 27 aircraft at the present time.
 28

1 RESPONSE

2 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
3 objections, United will produce a copy of the flight operations manual to Plaintiff.

4
5 10. Any and all DOCUMENTS which UAL and/or its flight crew was required to have
6 on board Flight UA809 at the time of the Accident.

7 RESPONSE

8 Objection: Vague, overly broad and unduly burdensome. Subject to, and without waiving,
9 these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL
10 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL
11 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations
12 manual to Plaintiff.

13 11. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
14 aircraft into and out of SFO in effect at the time of the Accident.

15 RESPONSE

16 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
17 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
18 UAL 000371.

19 12. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
20 aircraft into and out of SFO in effect at the present time.

21 RESPONSE

22 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
23 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
24 UAL 000371.

25 13. Any and all DOCUMENTS reflecting the requested and/or assigned routing for
26 Flight UA809 on October 7, 2003

27 RESPONSE

1 Objection: Vague, overly broad, compound, and unduly burdensome.

2 Subject to, and without waiving, these objections, United has not located any documents
3 responsive to this Request.
4

5 14. A complete copy of all Jeppesen charts applicable to ground operations of UAL
6 B777 aircraft at SFO in effect at the time of the Accident.

7 **RESPONSE**

8 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

9 Subject to, and without waiving, these objections, United states that these documents are
10 covered under Copyright protection as stated in the United Airlines Flight Manual.
11

12 15. A complete copy of all Jeppesen charts applicable to ground operations of UAL B777
13 aircraft at SFO in effect at present.

14 **RESPONSE**

15 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

16 Subject to, and without waiving, these objections, United states that these documents are
17 covered under Copyright protection as stated in the United Airlines Flight Manual.

18 16. A complete copy of all charts applicable to ground operations of Flight UA809 at
19 SFO in effect at the time of the Accident.

20 **RESPONSE**

21 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

22 Subject to, and without waiving, these objections, United has not located any documents
23 responsive to this Request.
24

25 17. Any and all DOCUMENTS reflecting dispatch for Flight UA809 on October 7, 2003,
26 including but not limited to (i) flight plan; and (ii) assigned altitude.

27 **RESPONSE**

1 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.
2 Subject to, and without waiving, these objections, United has not located any documents
3 responsive to this Request

4 18. Any and all DOCUMENTS reflecting procedures used during the pushback operation
5 of Flight UA809 on October 7, 2003.

6 **RESPONSE**

7 Objection: Vague, overly broad, unduly burdensome, compound, and duplicative of prior
8 document requests. Additionally, this document request potentially seeks materials privileged under
9 the attorney-client privilege and/or work-product doctrine. This request is also objectionable to the
10 extent that it seeks information protected by the "self-critical analysis" privilege. *See Dowling v.*
11 *American Hawaii Cruises, Inc.*, 971 F.2d 423, 425-26 (9th Cir 1992). Subject to, and without
12 waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers
13 UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers
14 UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight
15 operations manual to Plaintiff.

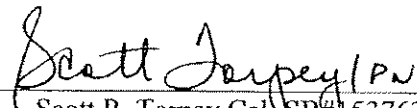
16 19. Any and all DOCUMENTS reflecting changes in procedures used during pushback
17 operations of UAL B777 aircraft after October 7, 2003.

18 **RESPONSE**

19 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.
20 Subject to, and without waiving, these objections, United has not located any documents
21 responsive to this Request.
22
23
24
25
26
27
28

1 DATED: January 16, 2008

JAFFE, RAITT, HEUER & WEISS, P.C.

2
3 By: 
4 Scott R. Torpey Cal. SB# 53763
5 storpey@jaffelaw.com
6 27777 Franklin Road, Suite 2500
7 Southfield, MI 48034
8 Telephone: 248-351-3000
9 Fax: 248-351-3082

Attorneys for Defendant United Air Lines, Inc.

10 **CERTIFICATE OF SERVICE**

11 Phyllis L. Nelson certifies that she is an employee of Jaffe, Raitt, Heuer & Weiss, P.C.
12 and that on January 16, 2008 she caused to be served Defendant United Airlines, Inc.'s Response
13 to Second Amended Notice of Deposition of Brad Powell on the person(s) listed below by
14 placing said document(s) in a sealed envelope (if applicable), properly addressed, and
15 forwarding same by the method(s) indicated.

16 ***By Email and First Class Mail***

17 Marshall S. Turner
18 Condon & Forsyth LLP
19 7 Times Square
20 New York, NY 10036

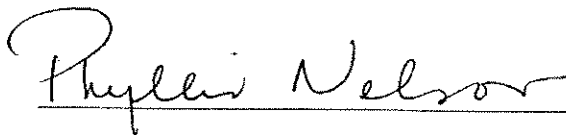
By Email and First Class Mail

Jeffrey A. Worthe
Worthe, Hanson & Worthe
1851 E. First St., Ste. 900
Santa Ana, CA 92705

21 ***By Email and First Class Mail***

22 Frank A. Silane
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24 Scott D. Cunningham
25 Condon & Forsyth LLP
26 1901 Avenue of the Stars, Suite 850
27 Los Angeles, CA 90067-6010

28 Dated: January 16, 2008



Phyllis L. Nelson

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8 And

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11 jworthe@whwlawcorp.com
12 1851 E. First St., Ste. 900
13 Santa Ana, California 92705
14 Telephone: (714) 285-9600
15 Fax: (714) 285-9700

16 Attorneys for Defendant United Air Lines, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 All Nippon Airways Company, Ltd.,

Case No.07-03422

20 Plaintiff,

21 vs.

**DEFENDANT UNITED AIR LINES, INC.'S
RESPONSE TO SECOND AMENDED
NOTICE OF DEPOSITION OF SCOTT M.
RUSSELL**

22 United Air Lines, Inc.,

JUDGE: Elizabeth D. Laporte

23 Defendant.

24 Defendant United Air Lines, Inc., by and through its attorneys of record, Jaffe Raitt Heuer &
25 Weiss, P C., respond to Plaintiff All Nippon Airways Company, Ltd 's Second Amended Notice of
26 Deposition of Scott M. Russell as follows:

27 1. The entire contents of the deponent's file concerning the subject accident which took
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RESPONSE

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3 because it seeks private information protected under California law, which cannot be produced
4 without permission of the individual(s) whose files are being requested. Subject to, and without
5 waiving, these objections, United has produced the non-personal/non-medical portions of Scott M.
6 Russell's personnel file as confidential bates range documents UAL 000001 - UAL 000118.

7
8 2. Any and all DOCUMENTS regarding the subject flight and accident and the
9 investigation thereof.

10 **RESPONSE**

11 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
12 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
13 This request is also objectionable to the extent that it seeks information protected by the "self-
14 critical analysis" privilege. *See Dowling v American Hawaii Cruises, Inc.*, 971 F.2d 424, 425 (9th
15 Cir. 1992). Subject to, and without waiving, these objections, responsive documents have been
16 produced to Plaintiff as Rule 26(a)(1) Disclosure bates numbers UAL 1-725.

17
18 3. The deponent's personnel records, including but not limited to DOCUMENTS
19 pertaining to any accident or incident involving the deponent and any disciplinary action against the
20 deponent.

21 **RESPONSE**

22 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
23 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
24 To the extent this document request seeks documents contained in personnel files, it is objectionable
25 because it seeks private information protected under California law, which cannot be produced
26 without permission of the individual(s) whose files are being requested. Subject to, and without
27 waiving, these objections, United has produced the non-personal/non-medical portions of Scott M.
28

1 Russell's personnel file as confidential bates range documents UAL 000001 - UAL 000118.

2
3 4. The deponent's licenses, certificates, and other DOCUMENTS related to the
4 deponent's operation of aircraft or aircraft components.

5 **RESPONSE**

6 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
7 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
8 To the extent this document request seeks documents contained in personnel files, it is objectionable
9 because it seeks private information protected under California law, which cannot be produced
10 without permission of the individual(s) whose files are being requested. Subject to, and without
11 waiving, these objections, United has produced the non-personal/non-medical portions of Scott M.
12 Russell's personnel file as confidential bates range documents UAL 000001 - UAL 000118.

13
14 5. The deponent's training materials and records, including but not limited to
15 DOCUMENTS concerning (i) clearing potential conflicts with other aircraft prior to or during taxi;
16 (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
17 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

18 **RESPONSE**

19 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
20 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
21 To the extent this document request seeks documents contained in personnel files, it is objectionable
22 because it seeks private information protected under California law, which cannot be produced
23 without permission of the individual(s) whose files are being requested. Subject to, and without
24 waiving, these objections, United has produced the non-personal/non-medical portions of Scott M.
25 Russell's personnel file as confidential bates range documents UAL 000001 - UAL 000118

26
27 6. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations in
28

1 effect on October 7, 2003 concerning (i) clearing potential conflicts with other aircraft prior to or
 2 during taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii)
 3 conflict resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying

4 **RESPONSE**

5 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 6 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 7 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 8 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 9 Plaintiff.

10 7. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations
 11 currently in effect concerning (i) clearing potential conflicts with other aircraft prior to or during
 12 taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict
 13 resolution; (iv) wing growth; (v) aircraft taxiing; and (vi) determination of Pilot Flying.

14 **RESPONSE**

15 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 16 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
 17 UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 -
 18 UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to
 19 Plaintiff.

20
 21 8. A complete copy of the UAL operations manual in effect on October 7, 2003 and
 22 applicable to the UAL aircraft involved in the collision between ANA Flight NH007 and UAL
 23 Flight UA809 at San Francisco International Airport ("SFO") on October 7, 2003 (the "Accident").

24 **RESPONSE**

25 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
 26 objections, United will produce a copy of the flight operations manual to Plaintiff.

27 9. A complete copy of the current UAL operations manual applicable to its B777
 28

1 aircraft at the present time.

2 **RESPONSE**

3 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
4 objections, United will produce a copy of the flight operations manual to Plaintiff.

5
6 10. Any and all DOCUMENTS which UAL and/or its flight crew was required to have
7 on board Flight UA809 at the time of the Accident.

8 **RESPONSE**

9 Objection: Vague, overly broad and unduly burdensome. Subject to, and without waiving,
10 these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL
11 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL
12 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations
13 manual to Plaintiff.

14 11. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
15 aircraft into and out of SFO in effect at the time of the Accident.

16 **RESPONSE**

17 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
18 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
19 UAL 000371.

20 12. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
21 aircraft into and out of SFO in effect at the present time.

22 **RESPONSE**

23 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
24 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
25 UAL 000371.

26 13. Any and all DOCUMENTS reflecting the requested and/or assigned routing for
27 Flight UA809 on October 7, 2003.

1 **RESPONSE**

2 Objection: Vague, overly broad, compound, and unduly burdensome.

3 Subject to, and without waiving, these objections, United has not located any documents
4 responsive to this Request.

5 14. A complete copy of all Jeppesen charts applicable to ground operations of UAL
6 B777 aircraft at SFO in effect at the time of the Accident.

7 **RESPONSE**

8 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

9 Subject to, and without waiving, these objections, United states that these documents are
10 covered under Copyright protection as stated in the United Airlines Flight Manual.

11 15. A complete copy of all Jeppesen charts applicable to ground operations of UAL B777
12 aircraft at SFO in effect at present

13 **RESPONSE**

14 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

15 Subject to, and without waiving, these objections, United states that these documents are
16 covered under Copyright protection as stated in the United Airlines Flight Manual.

17 16. A complete copy of all charts applicable to ground operations of Flight UA809 at
18 SFO in effect at the time of the Accident.

19 **RESPONSE**

20 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

21 Subject to, and without waiving, these objections, United has not located any documents
22 responsive to this Request.

23 17. Any and all DOCUMENTS reflecting dispatch for Flight UA809 on October 7, 2003,
24 including but not limited to (i) flight plan; and (ii) assigned altitude.

25 **RESPONSE**

26 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

1 Subject to, and without waiving, these objections, United has not located any documents
2 responsive to this Request.

3 18. Any and all DOCUMENTS reflecting procedures used during the pushback operation
4 of Flight UA809 on October 7, 2003.

5 **RESPONSE**

6 Objection: Vague, overly broad, unduly burdensome, compound, and duplicative of prior
7 document requests. Additionally, this document request potentially seeks materials privileged under
8 the attorney-client privilege and/or work-product doctrine. This request is also objectionable to the
9 extent that it seeks information protected by the "self-critical analysis" privilege. *See Dowling v.*
10 *American Hawaii Cruises, Inc.*, 971 F.2d 423, 425-26 (9th Cir. 1992). Subject to, and without
11 waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers
12 UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers
13 UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight
14 operations manual to Plaintiff.

15 19. Any and all DOCUMENTS reflecting changes in procedures used during pushback
16 operations of UAL B777 aircraft after October 7, 2003.

17 **RESPONSE**

18 Objection: Overly broad, unduly burdensome, and duplicative of prior document requests.

19 Subject to, and without waiving, these objections, United has not located any documents
20 responsive to this Request.
21
22
23
24
25
26
27
28

1 DATED: January 16, 2008

JAFFE, RAITT, HEUER & WEISS, P.C.

2
3
4 By: Scott Torpey /PR

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Telephone: 248-351-3000
Fax: 248-351-3082

Attorneys for Defendant United Air Lines, Inc.

9
10 **CERTIFICATE OF SERVICE**

11 Phyllis L. Nelson certifies that she is an employee of Jaffe, Raitt, Heuer & Weiss, P.C.
12 and that on January 16, 2008 she caused to be served Defendant United Airlines, Inc.'s Response
13 to Second Amended Notice of Deposition of Scott M. Russell on the person(s) listed below by
14 placing said document(s) in a sealed envelope (if applicable), properly addressed, and
15 forwarding same by the method(s) indicated.

16 ***By Email and First Class Mail***

Marshall S. Turner
Condon & Forsyth LLP
7 Times Square
New York, NY 10036

By Email and First Class Mail

Jeffrey A. Worthe
Worthe, Hanson & Worthe
1851 E. First St., Ste. 900
Santa Ana, CA 92705

19 ***By Email and First Class Mail***

20 Frank A. Silane
21 Roderick D. Margo
22 Scott D. Cunningham
Condon & Forsyth LLP
1901 Avenue of the Stars, Suite 850
Los Angeles, CA 90067-6010

23 Dated: January 16, 2008

Phyllis Nelson

Phyllis L. Nelson

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5 Southfield, MI 48034
6 Telephone: 248.351.3000
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8 And

9 WORTHE, HANSON & WORTHE
10 Jeffrey A. Worthe Cal. SB#080856
11 jworthe@whwlawcorp.com
12 1851 E. First St., Ste. 900
13 Santa Ana, California 92705
14 Telephone: (714) 285-9600
15 Fax: (714) 285-9700

16 Attorneys for Defendant United Air Lines, Inc

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 All Nippon Airways Company, Ltd.,

Case No.07-03422

20 Plaintiff,

**DEFENDANT UNITED AIR LINES, INC.'S
RESPONSE TO THIRD AMENDED
NOTICE OF DEPOSITION OF EDWARD
LOH**

21 vs.

22 United Air Lines, Inc.,

JUDGE: Elizabeth D. Laporte

23 Defendant.

24 Defendant United Air Lines, Inc., by and through its attorneys of record, Jaffe Raitt Heuer &
25 Weiss, P.C., respond to Plaintiff All Nippon Airways Company, Ltd.'s Third Amended Notice of
26 Deposition of Edward Loh as follows:

27 1. The entire contents of the deponent's file concerning the subject accident which took
28 place on October 7, 2003 at San Francisco International Airport (the "Accident").

RESPONSE

Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and

1 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
2 To the extent this document request seeks documents contained in personnel files, it is objectionable
3 because it seeks private information protected under California law, which cannot be produced
4 without permission of the individual(s) whose files are being requested. Subject to, and without
5 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
6 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

7 2. Any and all DOCUMENTS regarding the Accident and the investigation thereof.

8 **RESPONSE**

9 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
10 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
11 This request is also objectionable to the extent that it seeks information protected by the "self-
12 critical analysis" privilege. *See Dowling v American Hawaii Cruises, Inc.*, 971 F.2d 424, 425 (9th
13 Cir. 1992). Subject to, and without waiving, these objections, responsive documents have been
14 produced to Plaintiff as Rule 26(a)(1) Disclosure bates numbers UAL 1-725.

15 3. The deponent's personnel records, including but not limited to DOCUMENTS
16 pertaining to any accident or incident involving the deponent and any disciplinary action against the
17 deponent.

18 **RESPONSE**

19 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
20 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
21 To the extent this document request seeks documents contained in personnel files, it is objectionable
22 because it seeks private information protected under California law, which cannot be produced
23 without permission of the individual(s) whose files are being requested. Subject to, and without
24 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
25 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

26 4. Any and all DOCUMENTS regarding training materials and records for the
27 deponent, including but not limited to those DOCUMENTS regarding the training of deponent for
28

1 his position as Ramp Tower G Ramp Controller at San Francisco International Airport ("SFO") in
2 effect on or before October 7, 2003.

3 **RESPONSE**

4 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
5 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
6 To the extent this document request seeks documents contained in personnel files, it is objectionable
7 because it seeks private information protected under California law, which cannot be produced
8 without permission of the individual(s) whose files are being requested. Subject to, and without
9 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
10 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

11 5. Any and all DOCUMENTS concerning the deponent's position as Ramp Tower G
12 Ramp Controller at SFO in effect on October 7, 2003 regarding (i) communications with aircraft; (ii)
13 clearances and instructions for pushback and taxi; (iii) traffic advisories and safety alerts; (iv)
14 maintaining separation of aircraft in the vicinity of Terminal G; (v) ensuring that no collisions occur
15 between aircraft; (vi) organizing and expediting the flow of traffic; (vii) paying attention to all
16 aircraft and not focusing on one area to the exclusion of another; (viii) clearing potential conflicts
17 between aircraft prior to or during taxi; (ix) clearing potential conflicts between aircraft prior to or
18 during pushback; and (x) conflict resolution.

19 **RESPONSE**

20 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
21 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
22 To the extent this document request seeks documents contained in personnel files, it is objectionable
23 because it seeks private information protected under California law, which cannot be produced
24 without permission of the individual(s) whose files are being requested. Subject to, and without
25 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
26 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

27 6. Any and all DOCUMENTS concerning the deponent's position as Ramp Tower G
28

1 Ramp Controller at SFO currently in effect regarding (i) communications with aircraft; (ii)
 2 clearances and instructions for pushback and taxi; (iii) traffic advisories and safety alerts; (iv)
 3 maintaining separation of aircraft in the vicinity of Terminal G; (v) ensuring that no collisions occur
 4 between aircraft; (vi) organizing and expediting the flow of traffic; (vii) paying attention to all
 5 aircraft and not focusing on one area to the exclusion of another, (viii) clearing potential conflicts
 6 between aircraft prior to or during taxi; (ix) clearing potential conflicts between aircraft prior to or
 7 during pushback; and (x) conflict resolution

8 **RESPONSE**

9 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
 10 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
 11 To the extent this document request seeks documents contained in personnel files, it is objectionable
 12 because it seeks private information protected under California law, which cannot be produced
 13 without permission of the individual(s) whose files are being requested. Subject to, and without
 14 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
 15 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480

16 7. Any and all materials and records concerning the training of deponent for his position
 17 as Ramp Tower G Ramp Controller at SFO received on or before October 7, 2003 from (i) UAL; (ii)
 18 the Federal Aviation Authority ("FAA"); and (iii) San Francisco Terminal Equipment Co.

19 **RESPONSE**

20 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
 21 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
 22 To the extent this document request seeks documents contained in personnel files, it is objectionable
 23 because it seeks private information protected under California law, which cannot be produced
 24 without permission of the individual(s) whose files are being requested. Subject to, and without
 25 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
 26 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

27 8. Any and all DOCUMENTS concerning the certification of the deponent, including
 28

1 but not limited to those DOCUMENTS regarding the deponent's position as Ramp Tower G Ramp
2 Controller at SFO.

3 **RESPONSE**

4 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
5 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
6 To the extent this document request seeks documents contained in personnel files, it is objectionable
7 because it seeks private information protected under California law, which cannot be produced
8 without permission of the individual(s) whose files are being requested. Subject to, and without
9 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
10 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

11 9. A complete copy of all procedures and policies concerning the deponent's position as
12 Ramp Tower G Ramp Controller at SFO in effect on October 7, 2003.

13 **RESPONSE**

14 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
15 seeks information protected by the attorney/client privilege and/or attorney work product doctrine
16 To the extent this document request seeks documents contained in personnel files, it is objectionable
17 because it seeks private information protected under California law, which cannot be produced
18 without permission of the individual(s) whose files are being requested. Subject to, and without
19 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
20 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

21 10. A complete copy of all changes to procedures and policies concerning the operation
22 of Ramp Tower G at SFO from October 7, 2003, to present.

23 **RESPONSE**

24 Objection: Vague, overly broad, compound, and unduly burdensome.

25 Subject to, and without waiving, these objections, United has not located any documents
26 responsive to this Request.

27 11. A complete copy of all procedures and policies concerning the operation of Ramp
28

1 Tower G at SFO in effect on October 7, 2003, including but not limited to documents concerning (i)
2 clearing potential conflicts between aircraft prior to or during taxi; (ii) clearing potential conflicts
3 between aircraft prior to or during pushback; (iii) conflict resolution; (iv) taxiing; and (v) procedures
4 prior to, during, and after issuance of clearance to push, clearance to taxi, and clearance to Spot 10
5 instructions.

6 **RESPONSE**

7 Objection: Vague, overly broad and unduly burdensome. Subject to, and without waiving,
8 these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL
9 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL
10 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations
11 manual to Plaintiff.

12 12. A complete copy of all procedures and policies concerning the operation of Ramp
13 Tower G at SFO from October 7, 2003 to present, including but not limited to documents
14 concerning (i) clearing potential conflicts between aircraft prior to or during taxi; (ii) clearing
15 potential conflicts between aircraft prior to or during pushback; (iii) conflict resolution; (iv) taxiing;
16 and (v) procedures prior to, during, and after issuance of clearance to push, clearance to taxi, and
17 clearance to Spot 10 instructions.

18 **RESPONSE**

19 Objection: Vague, overly broad and unduly burdensome. Subject to, and without
20 waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers
21 UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers
22 UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight
23 operations manual to Plaintiff.

24
25 13. A complete copy of all changes to procedures and policies concerning the operation
26 of Ramp Tower G at SFO from October 7, 2003 to present.

27 **RESPONSE**

28

1 Objection: Vague, overly broad, compound, and unduly burdensome.

2 Subject to, and without waiving, these objections, United has not located any documents
3 responsive to this Request.

4 14. The results and/or records of the urine sample testing conducted on the deponent in
5 connection with the Accident.

6 **RESPONSE**

7 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
8 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
9 To the extent this document request seeks documents contained in personnel files, it is objectionable
10 because it seeks private information protected under California law, which cannot be produced
11 without permission of the individual(s) whose files are being requested. Subject to, and without
12 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
13 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

14 15. The results and/or records of all checks and tests conducted on the deponent for
15 fitness for duty at the time of the Accident.

16 **RESPONSE**

17 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
18 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
19 To the extent this document request seeks documents contained in personnel files, it is objectionable
20 because it seeks private information protected under California law, which cannot be produced
21 without permission of the individual(s) whose files are being requested. Subject to, and without
22 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
23 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

24 16. The results and/or records of any physical or psychological examination conducted
25 on the deponent in connection with the Accident.

26 **RESPONSE**

27 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
28

1 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
2 To the extent this document request seeks documents contained in personnel files, it is objectionable
3 because it seeks private information protected under California law, which cannot be produced
4 without permission of the individual(s) whose files are being requested. Subject to, and without
5 waiving, these objections, United has produced the non-personal/non-medical portions of Edward
6 Loh's personnel file as confidential bates range documents UAL 000372 - UAL 000480.

7 17. A complete copy of the Memorandum of Understanding between UAL and SFOTEC
8 in effect on October 7, 2003.

9 **RESPONSE**

10 Objection: Vague, overly broad, compound, and unduly burdensome

11 Subject to, and without waiving, these objections, United has not located any documents
12 responsive to this Request.

13 18. A complete copy of UAL's "G Tower Procedures" manual.


14 **RESPONSE**

15 Objection: Vague, overly broad, compound, and unduly burdensome.

16 Subject to, and without waiving, these objections, United has not located any documents
17 responsive to this Request.

18 DATED: January 16, 2008

JAFFE, RAITT, HEUER & WEISS, P C

19
20
21 By: 
22 Scott R. Torpey Cal. SB#153763
23 storpey@jaffelaw.com
24 27777 Franklin Road, Suite 2500
25 Southfield, MI 48034
26 Telephone: 248-351-3000
27 Fax: 248-351-3082

28 Attorneys for Defendant United Air Lines, Inc.

CERTIFICATE OF SERVICE

Phyllis L. Nelson certifies that she is an employee of Jaffe, Raitt, Heuer & Weiss, P.C. and that on January 16, 2008 she caused to be served Defendant United Airlines, Inc.'s Response to Third Amended Notice of Deposition of Edward Loh on the person(s) listed below by placing said document(s) in a sealed envelope (if applicable), properly addressed, and forwarding same by the method(s) indicated.

By Email and First Class Mail

Marshall S. Turner
Condon & Forsyth LLP
7 Times Square
New York, NY 10036

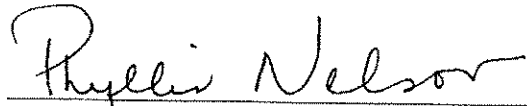
By Email and First Class Mail

Jeffrey A. Worthe
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1851 E. First St., Ste. 900
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By Email and First Class Mail

Frank A. Silane
Roderick D. Margo
Scott D. Cunningham
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Los Angeles, CA 90067-6010

Dated: January 16, 2008



Phyllis L. Nelson

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8 And

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14 Telephone: (714) 285-9600
15 Fax: (714) 285-9700

16 Attorneys for Defendant United Air Lines, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 All Nippon Airways Company, Ltd.,

Case No.07-03422

20 Plaintiff,

**DEFENDANT UNITED AIR LINES, INC.'S
RESPONSE TO THIRD AMENDED
NOTICE OF DEPOSITION OF JULIO
HERNANDEZ**

21 vs.

22 United Air Lines, Inc.,

JUDGE: Elizabeth D. Laporte

23 Defendant

24 Defendant United Air Lines, Inc., by and through its attorneys of record, Jaffe Raitt Heuer &
25 Weiss, P.C., respond to Plaintiff All Nippon Airways Company, Ltd.'s Second Amended Notice of
26 Deposition of Julio Hernandez as follows:

27 1. The entire contents of the deponent's file concerning the subject accident which took
28 place on October 7, 2003 at San Francisco International Airport (hereinafter the "Accident").

RESPONSE

Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
seeks information protected by the attorney/client privilege and/or attorney work product doctrine.

Case No. 07-03422

Defendant United Air Lines, Inc.'s Response to Third
Amended Notice of Deposition of Julio Hernandez

1491055 01

1 To the extent this document request seeks documents contained in personnel files, it is objectionable
2 because it seeks private information protected under California law, which cannot be produced
3 without permission of the individual(s) whose files are being requested. Subject to, and without
4 waiving, these objections, United has produced the non-personal/non-medical portions of Julio
5 Hernandez's personnel file as confidential bates range documents UAL 000481 - UAL 000547.

6 2. Any and all DOCUMENTS regarding the subject flight and accident and the
7 investigation thereof.

8 **RESPONSE**

9 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
10 seeks information protected by the attorney/client privilege and/or attorney work product doctrine
11 This request is also objectionable to the extent that it seeks information protected by the "self-
12 critical analysis" privilege. *See Dowling v. American Hawaii Cruises, Inc*, 971 F.2d 424, 425 (9th
13 Cir. 1992). Subject to, and without waiving, these objections, responsive documents have been
14 produced to Plaintiff as Rule 26(a)(1) Disclosure bates numbers UAL 1-725.

15 3. The deponent's training and personnel records to date, including but not limited to
16 DOCUMENTS pertaining to any accident or incident involving the deponent and any disciplinary
17 action against the deponent.

18 **RESPONSE**

19 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
20 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
21 To the extent this document request seeks documents contained in personnel files, it is objectionable
22 because it seeks private information protected under California law, which cannot be produced
23 without permission of the individual(s) whose files are being requested. Subject to, and without
24 waiving, these objections, United has produced the non-personal/non-medical portions of Julio
25 Hernandez's personnel file as confidential bates range documents UAL 000481 - UAL 000547.

26 4. The deponent's licenses, certificates, and other DOCUMENTS related to the
27 deponent's operation of pushback tug/tractor
28

1 **RESPONSE**

2 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
 3 seeks information protected by the attorney/client privilege and/or attorney work product doctrine
 4 To the extent this document request seeks documents contained in personnel files, it is objectionable
 5 because it seeks private information protected under California law, which cannot be produced
 6 without permission of the individual(s) whose files are being requested. Subject to, and without
 7 waiving, these objections, United has produced the non-personal/non-medical portions of Julio
 8 Hernandez's personnel file as confidential bates range documents UAL 000481 - UAL 000547.

9 5. The deponent's training materials and records, including but not limited to
 10 DOCUMENTS concerning (i) pushback procedures; (ii) responsibility for safe dispatch and
 11 clearance; (iii) determination of number and position of wing walkers during pushback; (iv)
 12 maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question
 13 about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii)
 14 conflict resolution; and (viii) wing growth

15 **RESPONSE**

16 Objection: Overly broad and unduly burdensome. To the extent this document request seeks
 17 documents contained in personnel files, it is objectionable because it seeks private information
 18 protected under California law, which cannot be produced without permission of the individual(s)
 19 whose files are being requested. Subject to, and without waiving, these objections, United has
 20 produced the non-personal/non-medical portions of Julio Hernandez's personnel file as confidential
 21 bates range documents UAL 000481 - UAL 000547.

22 6. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations in
 23 effect on October 7, 2003 concerning (i) pushback procedures; (ii) responsibility for safe dispatch
 24 and clearance; (iii) determination of number and position of wing walkers during pushback; (iv)
 25 maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question
 26 about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii)
 27 conflict resolution; and (viii) wing growth.

RESPONSE

Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to Plaintiff.

7. Any and all DOCUMENTS reflecting UAL's policies, procedures, and operations currently in effect concerning (i) pushback procedures; (ii) responsibility for safe dispatch and clearance; (iii) determination of number and position of wing walkers during pushback; (iv) maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii) conflict resolution; and (viii) wing growth.

RESPONSE

Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 - UAL 000371, and the Maintenance Manual Handling document as bates numbers UAL 000303 - UAL 000354. Also, United will produce a copy of the flight manual and flight operations manual to Plaintiff.

8. A complete copy of the UAL operations manual in effect on October 7, 2003 and applicable to the UAL aircraft involved in the Accident.

RESPONSE

Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these objections, United will produce a copy of the flight operations manual to Plaintiff.

9. A complete copy of the current UAL operations manual applicable to UAL Flight UA809 on October 7, 2003.

RESPONSE

Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these

1 objections, United will produce a copy of the flight operations manual to Plaintiff

2 10. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
3 aircraft into and out of SFO in effect at the time of the Accident.

4 **RESPONSE**

5 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
6 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
7 UAL 000371.

8 11. Any and all DOCUMENTS regarding pushback and taxi operations of UAL B777
9 aircraft into and out of SFO in effect at the present time

10 **RESPONSE**

11 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
12 objections, United has produced the Ramp Service Driving Rules as bates numbers UAL 000355 -
13 UAL 000371.

14 12. Any and all DOCUMENTS reflecting changes in pushback and taxi operations of
15 UAL B777 aircraft after October 7, 2003.

16 **RESPONSE**

17 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
18 objections, United has not located any documents responsive to this Request.

19 13. The results and/or records of all checks and tests conducted on the deponent for
20 fitness for duty at the time of the Accident.

21 **RESPONSE**

22 Objection: Overly broad, unduly burdensome, duplicative of prior document requests, and
23 seeks information protected by the attorney/client privilege and/or attorney work product doctrine.
24 To the extent this document request seeks documents contained in personnel files, it is objectionable
25 because it seeks private information protected under California law, which cannot be produced
26 without permission of the individual(s) whose files are being requested. Subject to, and without
27 waiving, these objections, United has produced the non-personal/non-medical portions of Julio
28

1 Hernandez's personnel file as confidential bates range documents UAL 000481 - UAL 000547.

2 14. A complete copy of the UAL "Ramp Services Trainer Aircraft Guideperson &
3 Wingwalker Participant Guide" in effect on October 7, 2003.

4 **RESPONSE**

5 Objection: Unduly burdensome and duplicative of prior document requests. Subject to, and
6 without waiving, these objections, United has not located any documents responsive to this Request

7 15. A complete copy of "United Airlines Maintenance Manual" sections applicable to (i)
8 ramp services; (ii) aircraft guidepersons; (iii) wingwalkers; (iv) pushback; (v) aircraft dispatch
9 process; (vi) tractor drivers; and (vii) marshalls.


10 **RESPONSE**

11 Objection: Overly broad and unduly burdensome. Subject to, and without waiving, these
12 objections, United has produced the Maintenance Manual Handling document as bates numbers
13 UAL 000303 - UAL 000354.

14 DATED: January 16, 2008

IAFFE, RAITT, HEUER & WEISS, P.C.

16
17 By:


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27777 Franklin Road, Suite 2500
Southfield, MI 48034
Telephone: 248-351-3000
Fax: 248-351-3082

Attorneys for Defendant United Air Lines, Inc.

CERTIFICATE OF SERVICE

Phyllis L. Nelson certifies that she is an employee of Jaffe, Raitt, Heuer & Weiss, P.C. and that on January 16, 2008 she caused to be served Defendant United Airlines, Inc's Response to Third Amended Notice of Deposition of Julio Hernandez on the person(s) listed below by placing said document(s) in a sealed envelope (if applicable), properly addressed, and forwarding same by the method(s) indicated.

By Email and First Class Mail

Marshall S. Turner
Condon & Forsyth LLP
7 Times Square
New York, NY 10036

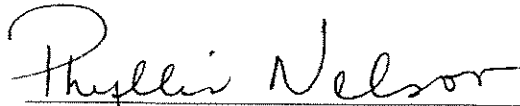
By Email and First Class Mail

Jeffrey A. Worthe
Worthe, Hanson & Worthe
1851 E. First St., Ste. 900
Santa Ana, CA 92705

By Email and First Class Mail

Frank A. Silane
Roderick D. Margo
Scott D. Cunningham
Condon & Forsyth LLP
1901 Avenue of the Stars, Suite 850
Los Angeles, CA 90067-6010

Dated: January 16, 2008



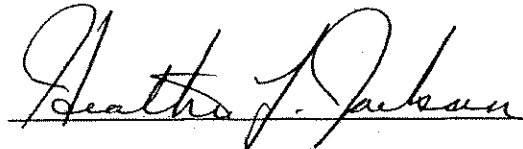
Phyllis L. Nelson

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS THIRD AMENDED NOTICE OF DEPOSITION OF JULIO HERNANDEZ** was mailed this 28th day of December, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



HEATHER L. JACKSON

Sworn to before me this
28th day of December, 2007



Notary Public

Timothy H Eskridge
 Notary Public State of N.Y.
 02ES6121835
 Qualified in New York County
 Commission Expires January 31 2009